CHAPTER 8

COUNSELING SERVICE MEMBERS

Throughout your career as a PN, you will counsel service members. During a normal day's work, a Personnelman second class (PN2) or Personnelman third class (PN3) can expect to counsel several different Navy members on a variety of subjects. In this chapter, you will read about some of your responsibilities in this important area. You will also read about some counseling techniques with which you should become familiar so you can enhance your own counseling skills and become a better PN.

In counseling Navy members, you will have to develop expertise on several different topics. Some of the topics discussed in this chapter are pay, allowances, entitlements, and bonuses; the dependents' dental plan (DDP); availability and types of legal assistance; and the purpose and submission procedures for availability reports. Many of these topics are complicated. Official guidelines often change frequently. One of your most important and challenging responsibilities in counseling Navy members will be to provide the most accurate and up-to-date information possible. This is not an easy job. To do it right, you must be able to put your hands on the correct resources that will give you the most current official guidelines to pass on to the people you are counseling.

After studying the information in this chapter, you should be able to discuss different counseling methods and techniques you should use when you are advising Navy members. You should also be able to identify the official manuals, instructions, and publications you should use to counsel Navy members on pay, allowances. entitlements. bonuses. legal assistance, and the dependents' dental plan. In addition, you should be able to explain the purpose of availability reports and why you must submit them promptly. After studying this chapter, you should achieve an awareness of how important your counseling duties responsibilities really are and how the Navy entrusts you, the PN, to do the best job you can.

COUNSELING

Figure 8-1 shows a PN2 assisting a young third class petty officer. This scene is representative of the work PNs, such as yourself, perform daily. As a PN2 or PN3, you may counsel many service members during the course of your daily assignments. The counseling



Figure 8-1.—Personnelman second class assisting a third class petty officer.

sessions will be over a variety of areas for which you will be responsible. Some of these areas are covered in this chapter and, to an extent, throughout this training manual (TRAMAN). As a PN3 or PN2, you will continuously be gaining knowledge and experience in counseling personnel. The knowledge and experience you gain today will help you tomorrow as you advance in the Navy.

Do you remember the very first time you were instructed to check in or check out some of your shipmates? Do you also remember the first time you started working in the personnel office and you began answering your shipmates' inquiries? (Perhaps you do not remember!) It was during these times you started to gain experience on how to counsel service members. How did this happen? Well, at the time you were assisting these people, you took the time to help them. You made sure all their questions were answered to the best of your ability. By showing care and concern to your shipmates, you started acquiring the skills necessary for effective counseling.

No doubt your supervisors have explained the importance of treating all individuals with dignity and respect. (You read about this at the beginning of this TRAMAN.) It is because of your supervisors' guidance and your willingness to help others that you are continuing to develop your skills and becoming a better PN.

It takes time to gain the skills necessary to be a successful counselor. You do not learn these skills overnight. The more you counsel people, the more you will learn how to recognize areas in which you will need to improve. What areas are these? Well, these areas could include (but may not be limited to) your attitude, your concern for others, your attention to detail, your professional competence, your understanding of the needs of each individual you counsel, your choice of location for the counseling sessions, your skill in planning the interview, the need to protect the individual's privacy, and so forth. In the following paragraphs, you will read about some counseling methods and techniques. You will also learn about the different phases of an interview.

COUNSELING METHODS AND TECHNIQUES

The following information will help you with counseling sessions and help you become more aware of some things you can do to help your shipmates. Be aware that the use of these techniques will depend on your particular circumstances and may not always be feasible or practical. Nevertheless, you should be aware of these techniques and use them whenever possible.

Office Space

Depending on an individual's problems, you should choose an office or area away from excessive traffic and noise. The office for a counseling session should be easily accessible. A quiet and private space provides a better opportunity for concentration as well as a relaxed atmosphere for both you and the person you are counseling. Refer to figure 8-2 which shows a PN2 assisting a customer concerning a service record discrepancy in a quiet and private spare. In a relaxed atmosphere such as the one shown in figure 8-2, a member will feel more at case.

Planning for the Interview

Knowing in advance what the counseling session will be about allows you to become familiar with the applicable references concerning the nature of the individual's request. Remember, it is better to know in advance what an individual will need before he or she comes to the counseling area for the interview. This keeps you and the other person from wasting time. If you do not know about the member's needs in advance, just be prepared to do the necessary research after the member arrives for the interview.

Scheduling the Interview

If possible, you should provide the member with an appointment. This keeps the member from having to wait a long time before being served. Remember, this person also has other things to do. An individual who has to wait too long for service will hardly be in the mood for a relaxed interview. You should also make sure you allow yourself enough time to conduct the interview or counseling session appropriately.

Conducting the Interview

Always greet the member being interviewed or counseled by his or her rate and name. For example, "Good morning, Seaman Jones." You should always greet individuals in a friendly, courteous, and respectful manner. Once you begin the interview, you should not be interrupted by your co-workers. Make sure your co-workers and your supervisor know where you are and what you are doing. Spend the necessary time with



Figure 8-2.—Personnelman second class assisting a customer in a quiet and private space.

the individual so you may provide the answers that he or she needs.

If you do not know the answers to all the member's questions or problems, tell the truth. Assure the member you will find the answers and get back to him or her as soon as possible. Then, do it. Do not make a promise that you cannot keep. It is impossible for you to know the

answers to all the questions customers will have, but certainly you can ask your supervisors what to do. Figure 8-3 shows a PN going to his senior chief to find out the answer to a question he cannot resolve. You should do the same. Remember, it does not cost you anything to ask for advice from those who know more than you do. By obtaining correct information, you can give the correct answers.



Figure 8-3.—Personnelman receiving advice from his senior chief.

PHASES OF THE INTERVIEW

To help you conduct proper interviews, figure 8-4 shows you the various phases of an interview and some guidelines that will help you during each phase. Follow these guidelines whenever possible.

Refer to the *Career Information Program Management*, NAVEDTRA 10238-A, for additional information concerning counseling or interviewing techniques.

PAY, ALLOWANCES, ENTITLEMENTS, AND BONUSES

You will frequently be required to advise personnel concerning pay, allowances, entitlements, and bonuses. In this section, you will read about these areas. This information should help you better understand the different entitlements that are available to uniformed members.

Understand that the entitlements you will read about in this section are not all-inclusive. Also, you are reminded that the information in this section, and for that matter in this TRAMAN, is subject to change.

INTERVIEW PHASE	ACTIONS YOU SHOULD TAKE
I. Opening Phase:	A. Establish rapport 1. Introduce yourself 2. Put the member at ease
	B. Seek informality 1. Associate with the member (get on the same level) 2. Encourage the member to talk
	C. Gain the member's confidence
II. Fact-Finding Phase:	A. Gather facts from the member
	B. Go over the facts with the member
III. Evaluation Phase:	A. Review the collected facts and evaluate them for action
	B. Observe these principles: 1. Gain insight in relation to accurate information 2. Use an organized approach 3. Evaluate each area independently
IV. Decision Phase:	A. If appropriate, a decision may have to be made by the person being counseled.
	B. Sometimes you (the counselor) will be required to make informed decisions for the person you are counseling.
V. Closing Phase:	A. Make sure the member understands his or her decision (or your decision as counselor) and that he or she is satisfied.
	B. Have the member leave your office feeling that he or she has been helped.
	C. Leave the door open for further visits.
	 D. Follow up with information 1. If you promised to research information for the member because you did not have an answer during the interview, then do it. 2. Get the information back to the person promptly.

Figure 8-4.—Phases of a proper interview.

Therefore, you must always refer to the applicable official publications to obtain the most current information. Specific guidance for current rates and conditions of entitlements can be found in the *Department of Defense Financial Management Regulation* (DODFMR), Military Pay, Policy, and Procedures, volume 7, part A, DOD 7000.14-R NAVSO P-6048.

MILITARY PAY SYSTEM

The present military pay system was not designed as a whole. Instead, the military pay system has evolved over the years in response to the needs of the military community. The result is a complex network that includes various special pays and allowances, plus other pay elements created for specific groups or skills. The legal term *Regular Military Compensation* (RMC) is used to indicate military pay.

REGULAR MILITARY COMPENSATION

The RMC is a combination of basic pay, basic allowance for quarters (BAQ), variable housing allowance (VHA), overseas housing allowance (OHA), basic allowance for subsistence (BAS), and the federal tax advantage on the nontaxable allowances (BAQ, VHA, OHA and BAS). The RMC of personnel not receiving BAS and BAQ is based on in-kind values (meals and quarters provided by the government). Other entitlements such as special and incentive pays and allowances, reenlistment bonuses, benefit packages, and the present and future value of the retirement system are an additive to the RMC.

BASIC PAY

The pay of service members is prescribed by law. Members are entitled to receive pay according to their paygrades and years of service if they are on active duty in a pay status and not otherwise prohibited by law from receiving such pay. Basic pay is the primary means of compensating members of the uniformed services.

Except for certain periods of unauthorized absence, excess leave, and confinement after an enlistment has expired, every active duty member is entitled to basic pay on a regular basis. The rate of basic pay is determined by a member's paygrade and length of service.

Personnel having the same paygrade and time in service normally make more money than personnel in a lower paygrade and with less time in service. So you can see how paygrade and length of service are factors consider in determining how much a person gets paid

The rates are also fixed so personnel will stop receiving raises for increased length of service at certain points in each paygrade. This provides an incentive for service members to attain increased pay levels by earning promotions. Refer to figure 8-5 which shows you a sample pay chart.

Additional information concerning the computation of pay is contained in part 1, chapter 2 of the DODFMR, volume 7, part A. Also, you can refer to the *Naval Military Personnel Manual* (MILPERSMAN), NAVPERS 15560, Article 2610150, which discusses computation of service for basic pay.

TAX ADVANTAGE

Formal tax advantage varies among individual members and is dependent on such things as paygrade and length of service, whether subsistence and quarters are received in cash or in-kind, the amount of subsistence and quarters allowances (including any VHA or OHA), the number of member's personal tax exemptions, and the member's marital and dependency status.

To understand exactly what the tax advantage covers, think of it like this: Basic pay is subject to income tax; BAQ, VHA, OHA, and BAS are not. The federal income tax advantage is a savings, rather than a payment, to military members.

INCENTIVE PAY FOR HAZARDOUS DUTY

Service members entitled to basic pay are also entitled to incentive pay for performing certain specified hazardous duties. This is, of course, provided the members are under competent orders and otherwise meet the requirements specified in part 2, chapter 3 of the DODFMR, volume 7, part A.

The hazardous duties members must perform to receive incentive pay include the following:

- Parachute duty
- Flight deck duty
- Demolition duty
- Experimental stress duty
- Leprosarium duty

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0-8 0-7	5601.60	5/69.60	5906.40	5906.40	5906.40	6346.50	6346.50	6646.50	6646.50	6923.10	7223.70	7501.20	7686.00	7686.00	7686.0
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0.6 0.5	3449.70	3/90.20	4038.60	4038.60	4038.60	4038.60	4038.60	4038.60	4176.00	4836.30	5082.90	5193.90	5494.80	5680.80	
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D-2	1204.50	2410.00	2583.30	2858.10	2994.90	3102.30	3270.30	3432.00	3516.30	3516.30	3516.30	3516.30	3516.30	3516.30	3516.30
D-2 D-1	1004.00	2058.00	24/2.90	2556.00	2608.80	2608.80	2608.80	2608.80	2608.80	2608.80	2608.80	2608.80	2608.80	2608.80	2608.8
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W-1	1/52.50	1674.30	1530.30	1951.50	2008.00	2170.80	2253.30	2335.80	2416.50	2501.40	2583.30	2664.60	2772.00	2772.00	2772.00
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E-5	1132.20	1232.40	1292.40	1348.50	1437.30	1495.80	1554.90	1612.20	1641.60	1641.60	1641.60	1641.60	1641.60	1641.60	1641.60
E-4				1272.00		1322.40									1322.40
E-3	995.10	1049.70	1091.40	1134.60											1134.60
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Figure 8-5.—Pay chart.

- Toxic fuels (or propellants) duty
- Toxic pesticides duty
- Dangerous viruses (or bacteria) lab duty
- Chemical munitions duty

ALLOWANCES

As a PN, you need to familiarize yourself with the different allowances. This will help you and the people you counsel. There is always the possibility some members will not be aware of their entitlements. Therefore, you, the person who maintains the enlisted service records and the person who should know as much as possible about these entitlements, must be well informed.

The following paragraphs will contain important information on entitlements. The references you will need for counseling individuals concerning these allowances are provided at the end of each topic. It is your responsibility to review these references for the

most current information. This is the only way you can provide the most up-to-date information and not mislead members concerning their entitlements.

For starting and processing these allowances, you should refer to the *DFAS Pay/Personnel Procedures Manual* (Navy), NAVSO P-3050.2; *Source Data System Procedures Manual* (SDSPROMAN), NAVSO P-3069, volumes I and II; and U.S. *Navy Travel Instructions* (NTI), NAVSO P-1459. The following paragraphs will provide a brief discussion of some of these allowances.

Basic Allowance for Quarters

BAQ is payable to members on active duty according to the paygrade in which they are serving or appointed for basic pay purposes as set forth in the DODFMR, volume 7, part A. All members of the uniformed services entitled to receive basic pay are entitled to receive a BAQ on behalf of their eligible dependents.

The purpose of BAQ is to provide a member with a pay supplement when it is necessary for the member and any eligible dependents to obtain private quarters because the government is unable to furnish the member with family quarters at the member's duty station.

Members without dependents, in paygrades E-7 and above, may elect at anytime not to occupy assigned government quarters at the permanent duty station (PDS) and become entitled to BAQ. However, if it is determined that this option will adversely affect a training mission, military discipline, or readiness, the members may not exercise and be allowed to choose this option.

Refer to part 3, chapter 2 of the DODFMR, volume 7, part A, for additional information concerning BAQ.

Variable Housing Allowance

VHA is intended for the purpose of assisting service members entitled to BAQ an opportunity to defray housing costs if government quarters are not assigned.

When transferring to a new PDS, the service member has no entitlement to VHA for the number of travel days authorized or actually used, whichever is less, between the PDSs. The computation of travel time is for the number of days allowed for direct travel between PDSs without consideration of any temporary duty en route.

When both husband and wife are service members, each is entitled to VHA (ineligible to receive BAQ) as prescribed in the *Joint Federal Travel Regulations* (JFTR), NAVSO P-6034, volume 1.

A service member who lives with parents or other family members and pays no rent is still entitled to have the utility allowance considered in the VHA offset computation.

Refer to the JFI'R, volume 1, chapter 8, and the MILPERSMAN, Article 2640500, for additional information concerning VHA.

Overseas Cost-of-Living Allowance

The overseas cost-of-living allowance (COLA) is prescribed to help service members assigned to overseas duty stations to maintain the purchasing power of their basic military compensation in the overseas area.

COLA is based on comparison of costs between an overseas area and the continental United States (CONUS). In fact, the COLA computation compares

the cost of over 100 different goods and services between CONUS and the overseas area.

Cost changes at the overseas location do not necessarily cause COLA changes. The overseas change must be compared to the CONUS change. For example, if an overseas cost increase is greater than a corresponding CONUS increase for the same time, a COLA increase could occur depending on how large the difference is. If the overseas item cost increase is the same as the CONUS item increase, no COLA change should occur. If an overseas item cost increase is less than a corresponding CONUS item increase, a COLA decrease could occur despite the increase in item cost at the overseas site.

Refer to the JFTR, volume 1, chapter 9, part B, and the MILPERSMAN, Article 2640310, for additional information concerning overseas COLA.

Overseas Housing Allowance

The OHA system provides an allowance to service members assigned to overseas locations. The OHA helps defray a significant amount of housing costs associated with overseas duty locations. The OHA provides an allowance based on the difference between BAQ or family separation allowance (FSA), type I, and total housing costs. This cost cannot exceed the maximum amount set for an individual service member's paygrade according to appendix K of the JITR, volume 1.

Refer to the JFTR, volume 1, chapter 9, part B, and appendix K, and the MILPERSMAN, Article 2640320, for additional information concerning OHA.

Continental United States Temporary Lodging Expense

Temporary lodging expense (TLE) is paid in CONUS. The guidelines for TLEs are set forth in the JFTR, volume 1, chapter 5, part H. TLE is intended to help a member partially offset the cost of occupying temporary lodging incident to a PCS move. The JFTR, volume 1, defines the types of temporary lodging facilities and private or commercial lodgings in the vicinity of either the old PDS or the new PDS within CONUS a service member or dependents may occupy to be eligible for TLE.

Refer to the JFTR, volume 1, chapter 5, part H, and the MILPERSMAN, Article 2640400, for additional information concerning TLE.

Temporary Lodging Allowance

Temporary lodging allowance (TLA) is a permanent change of station (PCS) allowance payable incident to a member's initially reporting to an overseas PDS, detaching from an overseas PDS, or requiring temporary lodging under certain other circumstances. The TLA is authorized to partially reimburse a service member for more than normal expenses incident to the use of temporary lodgings outside CONUS.

TLA cannot be paid at the same time as OHA or COLA except under conditions specified in JFTR, volume 1, U9100-C4. TLA is not payable for a member or on behalf of a dependent acquired after the effective date of PCS orders during the time the member and his or her dependent(s) are initially seeking a residence.

The period of entitlement to TLA on departure will not normally exceed the last 10 days preceding the day of departure. Exceptions to the 10-day rule are listed in the JFTR, volume 1, U9204-A. The overseas commander must determine that a service member meets one of the listed exceptions for TLA to be approved for a longer period. Shorter periods may be prescribed as long as procedures enable an additional TLA payment if conditions warrant.

TLA is payable after the service member has vacated quarters. Vacate means "when the personal property of the occupant has been either moved or prepared to be moved so that normal use of the quarters is prevented. As a result, dependents cannot occupy quarters. The mere vacating of quarters does not result in reinstatement of basic allowance for quarters (BAQ)."

Refer to the JFTR, volume 1, chapter 9, parts B and C, and the MILPERSMAN, Article 2640330, for additional information concerning overseas TLA.

Dislocation and SECNAVFIND

A dislocation allowance (DLA) is payable to a member with dependents when the dependents perform an authorized move in connection with a PCS. DLA is also payable to a member without dependents when the member is not assigned adequate government quarters on reporting at a new PDS and occupies private quarters.

A member is not entitled to more than one DLA during any fiscal year unless the Secretary of the Navy finds that the exigencies of the service require more than one PCS during the same fiscal year. This finding is refereed to as SECNAVFIND.

There are exceptions to the SECNAVFIND requirement. These exceptions include, but are not limited to, change in home port, change of a ship or afloat staff, deactivation of a ship or activity, and transfer of a member from outside the United States to a hospital in the United States for observation and treatment.

Refer to the JFTR, volume 1, chapter 5, part G; the MILPERSMAN, Articles 2640250 and 2640255; the *Enlisted Transfer Manual* (ENLTRANSMAN), NAVPERS 15909, chapter 17; and the NTI, NAVSO P-1459, chapter 9, for additional information concerning DLA and SECNAVFIND.

Dislocation Allowance Entitlement

The purpose of DLA is to partially reimburse a member with or without dependents for the expenses incurred in relocating his or her household. This is in addition to all other allowances authorized in the JFI'R, volume 1, and may be paid in advance.

DLA entitlement for a service member married to another service member is described in JFTR, volume 1. Additionally, children of that marriage may travel under either, <u>but not both</u>, parent's PCS orders. The parent claiming dependent travel of the children is entitled to DLA at the with dependent rate regardless of which parent claims the children for BAQ.

A service member who has dependents, but does not relocate them incident to a PCS, is entitled to DLA at the without dependent rate if government quarters are not occupied at the new PDS.

As previously mentioned, only one DLA entitlement is authorized during a fiscal year unless the Secretary of the Navy finds (SECNAVFIND) that more than one PCS requiring a DLA payment is required during the current fiscal year. This limitation on second DLA does not apply to service members ordered to, from, or between courses of instruction conducted, controlled, or managed by one or more of the uniformed services

Refer to the JFTR, volume 1, chapter 5, part G; the MILPERSMAN, Articles 2640250 and 2640255; the ENLTRANSMAN, chapter 17; and the NTI, NAVSO P-1459, chapter 9, for additional information concerning DLA.

Family Separation Allowance (FSA)

The FSA is payable only to members with dependents. Two types of FSAs (FSA-type I and

FSA-type II) are authorized. Both types are payable in addition to any other allowance or per diem to which a member may be entitled. A member may qualify for

FSA-type I and FSA-type II for the same period. In such cases, concurrent payment of both types is authorized. A member may not, however, receive more than one payment of FSA-type II for the same period, even though he or she maybe qualified for FSA-R and FSA-S or FSA-T.

FSA-TYPE I.— The purpose of FSA-type I is to pay a member for added housing expenses caused by enforced separation from dependents. FSA-type I is payable to each member with dependents who is on permanent duty outside the United States or in Alaska who meets all the following conditions:

- Transportation of dependents to the PDS or to a place near that station is not authorized at government expense.
- Dependents do not live at or near the PDS.
- Adequate government quarters or housing facilities are not available for assignment to the member, and inadequate government quarters or housing facilities are not assigned.

The FSA-type I is not payable under any condition to a member permanently assigned to a duty station in Hawaii or to any duty station under permissive orders except as otherwise indicated in the DODFMR, volume 7, part A.

FSA-TYPE II.— The purpose of FSA-type II is to provide compensation for added expenses a member has incurred because of an enforced family separation under one of the following conditions:

- Transportation of the dependents is not authorized at government expense, and the dependents do not live at or near the member's PDS or home port (FSA-R).
- The member is on duty aboard a ship that is away from its home port continuously for more than 30 days (FSA-S).
- The member is on temperory duty (TDY) or temperory additional duty (TAD) away from the permanent station continuously for more than 30 days, and the dependents do not reside at or near the TAD/TDY station (FSA-T). This includes members who are required to perform a period of TDY before reporting to their initial station of assignment.

The FSA-type II is payable to qualified members serving inside or outside the United States. It is not authorized when a member performs duty at any station under permissive orders except as otherwise indicated in the DODFMR, volume 7, part A.

Refer to part 3, chapter 3, of the DODFMR, volume 7, part A, and the MILPERSMAN, Article 2620350, for additional information concerning FSA.

Basic Allowance for Subsistence

In general, when rations in kind are not provided by the government, enlisted members entitled to receive basic pay are entitled to BAS. BAS maybe paid at three different rates as follows:

- 1. The "mess separately" (RATSSEP) rate, which is paid when an enlisted member requests and receives authorization to subsist separately from an otherwise available government mess.
- 2. The full rate, which is paid when a government mess is not available or an otherwise available government mess cannot be used by the member due to impracticality.
- 3. The emergency rate, which is paid when a member is performing duty under emergency conditions where no government messing facilities are available. In addition, supplemental and prorated subsistence allowances are payable for specific meals not available from a government mess.

Refer to part 3, chapter 1 of the DODFMR, volume 7, part A and the MILPERSMAN, Article 2640100, for additional information concerning BAS.

Civilian Clothing Monetary Allowance for Officer and Enlisted Personnel

There are occasions when enlisted members are transferred to locations where civilian clothes are authorized or required in the performance of official duties. Naval military personnel who are required to wear civilian clothing in the performance of official duties are eligible to receive an allowance to defray the cost of this clothing. The Chief of Naval Personnel (CHNAVPERS) (PERS 20) is the final approving authority for this allowance. To request approval from CHNAVPERS, area commanders who require personnel under their jurisdiction to wear civilian clothing in the performance of official duties must submit detailed information or justification to support this authorization.

You can determine if a member will be required to wear civilian clothes and therefore entited to civilian clothing allowance by reviewing the transfer directive. You should always check the special instructions section of the transfer directive to make sure you do not overlook any items that must be complied with or that require special attention.

When authorization to wear civilian clothes is authorized on the orders, the command that receives the member for duty does not have to request further that the member be authorized civilian clothes.

Refer to the MILPERSMAN, Article 2640260, and part 3, chapters 5 and 6 of the DODFMR, volume 7, part A, for additional information concerning civilian clothing military allowances for officers and enlisted personnel.

You have just read about some of the different allowances that are available for active duty service members. The information in this section was just an overview. In counseling service members, you must always be prepared to answer questions concerning these different entitlements. Most importantly, you must know where to find the official, correct, and up-to-date information concerning them.

ENLISTMENT AND REENLISTMENT BONUSES

There will be occasions when you will be required to answer questions concerning the qualifications for enlistment or reenlistment bonuses. Therefore, you must know something about these bonuses and where to find additional information concerning them. In the following paragraphs, you will read about these bonuses. This information is intended to give you a background on enlistment and reenlistment bonuses. It is not intended to take the place of the official instructions, manuals, and publications you will need to use to provide the correct information to the people you are advising.

Enlistment Bonus

An enlistment bonus is paid to an enlistee when that enlistee meets specific conditions. According to part 1, chapter 9, of the DODFMR, volume 7, part A, the enlistee must meet the following requirements:

• Enlist for a period of 4 years or more for the purpose of qualifying and serving in a military specialty designated as critical, as specified by the Secretary of the Navy, in case of Navy personnel.

The enlistee must also be in any one of the following categories:

- A nonprior enlistee. This term applies to a person who has never served or has served less than 180 days on active duty as a member of the armed forces. (A nonprior service enlistee who has received an enlistment bonus under the Selected Reserve Incentive Program [SRIP] retains eligibility for the regular component enlistment bonus provided other eligibility criteria are met.)
- A prior service enlistee. This term applies to a person who has not previously received an enlistment or reenlistment bonus or who is not currently entitled to a reenlistment bonus.
- A reservist not on active duty who enlists in the Regular Navy and has not previously received an enlistment or reenlistment bonus or is not currently entitled to a reenlistment bonus. (A reservist who has received an enlistment or reenlistment bonus under the SRIP retains eligibility for the regular component enlistment bonus provided other eligibility criteria are met.)

Additionaly, the enlistee:

- must not be a delayed entry program (DEP) reservist currently obligated to any other military service,
- must be qualified for award of one of the designated military specialties, and,
- must meet such additional eligibility criteria as may be prescribed by the Secretary of the Navy.

The enlistment bonus is an amount prescribed by the Secretary of the Navy, but cannot be more than \$12,000. This amount is paid on completion of training and award of the designated military specialty, in periodic installments. The first installment cannot exceed \$7,000 and the remainder is paid in equal periodic installments. These installments may not be paid less frequently than once every 3 months.

Prior service enlistees who require formal training of 30 days or more may be paid their enlistment bonus on completion of that formal training. Prior service enlistees who do not require military specialty training cannot receive payment earlier than 30 days after arrival at the first PDS following reentry on active duty.

Refer to part 1, chapter 9, of the DODFMR, volume 7, part A, for more information concerning the enlistment bonus.

Selective Reenlistment Bonus

The selective reenlistment bonus (SRB) program is used to increase the number of reenlistments in ratings and Navy Enlisted Classification (NEC) codes having insufficient retention. Reviews are conducted every 3 to 6 months to determine which ratings or NECs will be authorized SRB. Award levels are reduced or eliminated as manning and/or retention improves in a rating or NEC. In this way, SRB funds are made available for other ratings or NECs. Changes to the list of SRB eligible ratings or NECs and respective award levels are announced by a Naval Administrative (NAVADMIN) message that is normally released 30 days before the effective date of decreases or terminations.

GENERAL ELIGIBILITY CRITERIA.—

Members must complete at least 21 continuous months (excluding annual training [AT] [formerly ACDUTRA]) but not more than 14 years of active naval service. The 21 months need not be completed immediately before the reenlistment or extension.

Members also must be eligible to reenlist or extend for 3 or more years in the Regular Navy (USN <u>not</u> USNR) as specified in Article 1040300 of the MILPERSMAN.

NOTE: An extension of enlistment for less than 3 years, such as extensions for minimum obligated service (OBLISERV) for Department of Defense (DOD) area tours and/or advancement, can impact future SRB eligibility. Your commanding officer (CO) or his or her designated representative should counsel members about this requirement.

According to the MILPERSMAN, Article 1050150.9c, before the execution of an unconditional or condition extension of enlistment, the member must be made aware of potential loss of monetary benefits and the provisions of the SRB program. The following Record of Administrative Remarks, NAVPERS 1070/613, page 13 entry is required:

"I have had explained to me the provisions of the SRB program and the execution of this extension of enlistment may affect my entitlement to monetary benefits for subsequent reenlistment."

Also, as part of the general eligibility criteria, the members must not be entitled to nor have been paid readjustment, severance, or separation pay.

SPECIFIC ELIGIBILITY FOR ACTIVE DUTY MEMBERS.— In addition to the general criteria mentioned previously, eligible members must be on active duty except AT. The SRB is not payable for a reenlistment in a Regular component following

for a reenlistment in a Regular component following discharge from a Reserve component during or at completion of AT.

Members must be petty officers or E-3 designated strikers, and be qualified for and serving in an SRB rating or NEC, or be approved by Bureau of Naval Personnel (BUPERS) for selective conversion and reenlistment (SCORE) or lateral conversion to an SRB eligible rating.

Members must also receive prior approval from BUPERS (PERS 292) before signing an SRB qualifying extension and receive authorization before reenlisting or before the extension becomes operative for SRB.

PRECERTIFICATION PROCEDURES.— The precertification (PRECERT) process reduces the number of incorrect SRB payments and recoupment actions. SRB reenlistment requests must be submitted in the exact format shown in the Enlisted Bonus and Special Duty Assignment Pay Programs, OPNAVINST 1160.6, normally no earlier than 90 days before the desired reenlistment date. If the request is not submitted correctly, it will be rejected and must be resubmitted. Requests submitted before 90 days from reenlistment must include justification for early submission. Changes to requests via message or phone call will not be accepted. A new message request (with new date-time group [DTG]) must be submitted. The new message automatically cancels the previous request.

Occasionally, a Navy veteran (NAVET) may not have his or her pay record information available at the Defense Finance and Accounting Service (DFAS) - Cleveland Center, Cleveland, Ohio. In this case, the SRB reenlistment normally is approved with an estimated SRB amount. A formatted SRB request must be resubmitted upon the member's arrival at the first PDS.

DFAS - Cleveland Center compares SRB request data with Joint Uniform Military Pay System (JUMPS) data and provides BUPERS (PERS 292) with the actual bonus amount payable. After receiving authorization from BUPERS (PERS 292), members may reenlist or extend for SRB.

The PRECERT process normally takes about 10 working days to complete. SRB requests received on

short notice may not permit an SRB payment concurrent with reenlistment. For short notice requests, BUPERS (PERS 292) can provide the DTG of the message granting SRB reenlistment authority via telephone whenever possible. Short-term extensions me not authorized by BUPERS (PERS 292).

Telephone inquiries to BUPERS (PERS 292) on the status of PRECERT should only be made by disbursing personnel, command career counselors, Yeomen (YNs) or you, the PN, and not by the member concerned. Policy and eligibility questions can normally be resolved by calling BUPERS.

Only BUPERS (PERS 292) can provide SRB payment authority to the requesting activity. After an SRB request is approved by BUPERS (PERS 292), a Military Pay Order, NAVCOMPT Form 3060, must be submitted to start the SRB entitlement. For instructions concerning the preparation of the NAVCOMIT Form 3060, you should refer to the *DFAS Pay/Personnel Procedures Manual* (Navy) and/or the SDSPROMAN, volume I, as appropriate.

If BUPERS (PERS 292) disapproves the SRB request, the reason will be stated and guidance for resubmission (if applicable) will be provided to your command.

OPNAVINST 1160.6 provides more information on specific eligibility criteria for members with broken service, zone eligibility criteria, special policies, officer procurement programs, and lateral conversions. The instruction also shows sample page 13 entries, a sample worksheet to determine SRB amount, message preparation instructions, a sample of an SRB request message, and other information pertinent to reenlistment bonuses.

OTHER BONUSES

There are other bonuses that are available for some qualified members. They are primarily for officers, but nevertheless, you must know that they exist. You should be able to go to the source that contains information about these bonuses whenever you are asked questions concerning the eligibility criteria. These bonuses include the following:

- Nuclear career accession bonus
- Nuclear career annual incentive bonus
- Nuclear officer accession bonus
- Aviator retention bonus
- Registered nurse accession bonus

You should know something about each one of them. The information concerning these bonuses is contained in the DODFMR, volume 7, part A.

DEPENDENTS' DENTAL PLAN

It is important for you to be familiar with the Dependents' Dental Plan (DDP). DDP has been in effect since 1986. Benefits under the DDP were expanded effective 1 April 1993. You will be required to counsel personnel concerning the DDP when, for example, they report aboard your command for duty, when they get married and/or acquire dependents, when members who already have dependents ask you questions concerning their continued eligibility, disenrollment procedures, or when transferring overseas to an area where DDP is not available.

The DDP is a congressionally mandated program (Title 10, *United States Code*, chapter 55, section 1076a) to provide dental insurance for eligible dependents of active duty members of the uniformed services. OPNAVINST 1751.1 provides guidance for the administration and management of enrollment, eligibility determination, and premium payroll deduction for dental insurance coverage for dependents of active duty members within the Department of the Navy. This is a voluntary program that requires monthly payroll deductions for insurance premium payment.

Eligible dependents are enrolled in DDP as either a single dependent or a family. Single-dependent enrollment is for one dependent. Family enrollment is for two or more dependents. With few exceptions, a sponsor cannot enroll some dependents and not others. All eligible dependents must be enrolled or none at all, and enrollment must be for a period of at least 24 months. If a member has dependents residing in two or more separate locations, the member may elect to enroll the dependents residing in only one location. It is also possible to enroll one dependent without enrolling one or more dependents under age 4.

EFFECTIVE DATE OF COVERAGE

The effective date of coverage for all eligible dependents is the first day of the month following the month in which the completed enrollment form is received and certified by the PERSUPPDET or personnel office. For example, if a member submits a Uniformed Services Active Duty Dependents' Dental Plan (DDP) Enrollment Election, DD Form 2494, on 10 May 1995 to the PERSUPPDET or personnel office, the

coverage starts 1 June 1995. These dependents must also be enrolled in the Defense Enrollment Eligibility Reporting System (DEERS) and possess current identification (ID) cards if age 10 or older. Figure 8-6 shows you a copy of DD Form 2494.

Inform members that in order to prevent possible delay in settlement of dental claims, they should not schedule dental appointments until:

- The DDP premium deduction appears on their Leave and Earnings Statement (LES);
- The dependent has been enrolled in DEERS for at least a month before the dental appointment;
- The dependent, if age 10 or older, possesses a current ID card.

BENEFITS

Some of the DDP benefits include the following: examinations, X-rays, cleaning, sealants, and fillings. Additionally, the plan covers root canal treatments; treatment of gum disease; crowns, bridges, and dentures; extractions, including wisdom teeth; and braces.

As with commercially available dental insurance plans, DDP benefits are subject to restrictions based on processing policies and generally accepted standards of dental practice. There are time limitations, such as only two oral examinations in any 12-month period; age limitations, such as orthodontic coverage only applying to patients underage 19; an annual maximum per patient on all services except orthodontics, a lifetime maximum per patient on orthodontics, and sponsor co-payments.

ELIGIBILITY

Enrollment is limited to spouses and children of active duty members of the uniformed services who intend to remain on active duty for a minimum of 24 months. There must be an intention on the part of the Navy and the active duty member (or reservist on active duty, hereafter treated as an active duty member) for the member to remain on active duty for the minimum period of enrollment of his or her eligible dependents. Canvasser recruiters are examples of reservists falling in this category. In addition for these dependents to be eligible for DDP they must:

- Reside in the 50 United States, the District of Columbia, the U.S. Virgin Islands, Puerto Rico, or Guam;
- Be currently enrolled in DEERS;
- Be eligible for Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) benefits; or
- If age 10 or older, possess a current ID card.

ENROLLMENT PROCEDURES

Enrollment may be initiated by the sponsor at any time and is effective the month following in which the application is received in the personnel office. Changes in enrollment status for individual or family, or family to individual, are effective the first day of the month following the month in which the enrollment change is made.

A dependent added to a sponsor who is already paying family premiums becomes eligible for DDP benefits the first of the month following the month in which the change in family status is made to DEERS. The sponsor must submit DD Form 2494 to the PERSUPPDET or personnel office to enroll or disenroll from the DDP.

After the submission of the form to the PERSUPPDET or personnel office, a NAVCOMPT 3060 or appropriate SDS event/document is prepared and sent to the Defense Finance and Accounting Service - Cleveland Center (DFAS-CL) to effect the premium deductions. Enrollment is for a minimum period of 24 months; however, there are conditions under which disenrollment can be accomplished. These conditions are discussed in the next section.

TERMINATION OF COVERAGE

Termination of coverage can either be involuntary or voluntary. Involuntary termination can be due to separation or death of the sponsor. In this case, coverage automatically ends on the last day of the month in which separation or death occurs. For dependents of deserters, the coverage ends on the last day of the month the member is declared a deserter. For personnel who are in a nonpay status (such as unauthorized absence in excess of 30 days, civilian confinement, military confinement with forfeiture of pay and allowances, and leave without pay), coverage terminates on the last day of the month in which member reaches 30 days in the nonpay status.

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Figure 8-6.—Copy of a Uniformed Services Active Duty Dependents' Dental Plan (DDP) Enrollment Election, DD Form 2494.

In the case of voluntary termination, DDP deductions and coverage end the month the form is completed and signed by the member. Voluntary termination of coverage can only be authorized when the sponsor has been enrolled in the program for over 24 months; the sponsor and dependents are transferred (PCS) outside the CONUS (OUTCONUS) to areas where DDP is not available; the sponsor and dependents are transferred (PCS) and move to an area where a military treatment facility has readily available space-available dental care; or the dependents lose their DEERS eligibility.

Sponsors cannot disenroll from DDP for the sole reason that their dependents become eligible for an employer-sponsored dental health insurance plan. They can use DDP to augment their employer-sponsored insurance; however, they must still meet the valid disenrollment criteria outlined in OPNAVINST 1751.1.

There are only five valid end coverage reasons. These reasons are listed on the back of DD Form 2494. Refer to figure 8-6. For voluntary termination after 24 months use codes **A** through **E**. For PCS transfers OUTCONUS to an area where DDP is not available use code **F**. For PCS transfer to a location where space-available dental care is available in a military treatment facility use code **G**, which must be written in the blank box in section 7b on the back of DD Form 2494. If the member no longer has DEERS eligible dependents use code **J**.

When a member wants to voluntarily y disenroll for the reason of PCS transfer to a location where space-available dental care is readily available (code G), losing personnel activities should counsel the member not to take any action until arrival at the new duty station. Upon arrival at the new duty station, gaining personnel activities should counsel, in conjunction with local dental treatment activities, on the availability of access to space-available dental care.

SUPPLEMENTAL ENROLLMENT ELECTION

Supplemental Uniformed Services Active Duty Dependents' Dental Plan (DDP) Enrollment Election, DD Form 2494-1, in figure 8-7, should only be completed when dependents are residing in two or more separate locations, and only the dependents in one location are to be enrolled. The sponsor must identify in item 5 those dependents who are to be enrolled. A copy of the completed form must be mailed to the

DEERS Support Office, Attn: DN99, 2511 Garden Road, Monterey, California.

The following are examples of appropriate use of the DD Form 2494-1:

- A sponsor may elect to enroll one or more dependents attending school or college away from home, living with an ex-spouse, living with relatives, or living in a foster home.
- A sponsor who has more than one dependent under the age four may elect to enroll one dependent under the age of 4.
- A sponsor may elect to enroll one dependent age 4 or older but may have any number of dependents under age 4 who are not elected to be covered.

OPERATIONAL INTERFACES

The OffIce of the Civilian Health and Medical Program of the Uniformed Services (OCHAMPUS) administers the DDP contract for the DOD.

DEERS and the Defense Manpower Data Center (DMDC) maintain the master DDP eligibility file, notify DFAS-CL of changes in a dependent's status, and provide the error resolution coordinator with a monthly report of discrepancies between DFAS-CL and DDP master eligibility file.

The DDP contractor verifies eligibility and pays claims based on information from DEERS and DMDC, provides a list of eligible providers, distributes *Evidence of Coverage* information booklets, provides points of contact regarding denied claims, makes annual site visits to major installations, and markets the program.

DFAS - Cleveland Center receives enrollment information via a Military Pay Order, NAVCOMPT 3060, or appropriate SDS event initiated by member's PSD or personnel office.

The Bureau of Medicine and Surgery (BUMED) provides the Navy DDP project officer who advises OCHAMPUS on matters of enrollment, eligibility, and premium payroll deductions.

BUPERS provides DDP eligibility and an error resolution coordinator who is the Navy's point of contact for problems with enrollment, eligibility verification, payroll deduction, or denied claims.

PERSUPPDETS and/or personnel offices, are responsible for enrolling and disenrolling individuals and providing documentation to DFAS.

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Figure 8-7.—Copy of Supplemental Uniformed Services Active Duty Dependents' Dental Plan (DDP) Enrollment Election, DD Form 2494-1.

Health benefits advisors are located at or near medical treatment facilities and provide counseling on DDP and maintain a list of participating dentists and other detailed information regarding the program.

Refer to the Dependents' Dental Plan, OPNAVINST 1751.1, for additional information and/or other conditions that exist and that are not covered in this section concerning the DDP The health benefits advisor of the nearest medical treatment facility can provide information regarding the DDP program and the *Evidence of Coverage* booklet put out by the DDP contractor. The nearest dental treatment facility can provide information regarding the local availability of space-available dental care.

LEGAL ASSISTANCE

There will be times when you will need to provide referral information to service members who may need legal assistance. These members will need to know what type of legal assistance is available in the Navy. The questions concerning legal assistance will be most likely raised during counseling interviews. The information in the following paragraphs is designed to help you handle these questions. After reading this section, you should have a good idea as to what services are available and to whom you should refer the service members who have questions concerning legal assistance.

The Department of the Navy legal assistance program provides free attorney assistance to members, their dependents, and other eligible clients regarding personal legal matters. The legal assistance program provides for in-office attorney advice, aid, and referral. The following two related programs provide additional services:

- 1. The preventive law program that promotes "legal readiness" and education to help individuals avoid legal problems
- 2. The expanded legal assistance program that provides in-court representation in certain geographical areas concerning selected legal issues

This legal assistance is provided at legal assistance offices located at naval legal service offices (NLSOs) and detachments. Legal assistance services are also available at other legal offices where judge advocates are assigned.

The personnel who provide legal assistance are attorneys and judge advocates who are authorized by the Judge Advocate General, or by his or her designated representatives, to perform legal assistance functions. Nonlawyer legal officers, Legal men (LNs), independent duty LNs, and legal clerks assist attorneys, but they cannot provide legal advice or provide services that call for the professional judgment of an attorney. Fig. 8-8 shows an LN initially counseling a service



Figure 8-8.-A Legalman counseling a service member.

member concerning a problem. The LN must eventually refer any service member needing professional assistance to an attorney.

PERSONNEL ELIGIBLE FOR LEGAL ASSISTANCE

Legal assistance is intended primarily for active duty personnel. It is provided to members of the Armed Forces of the United States on active duty, including reservists (and members of the National Guard) on active duty for 30 days or more.

As resources permit, legal assistance can also be provided to the following categories of people in the order of priority as listed:

- Dependents of active duty personnel and dependents of personnel who died while on active duty.
 - Retired military personnel.
- Dependents of retired members and dependents of deceased retired members.

- Reservists on active duty for single periods of 29 days or less and their dependents can be provided legal assistance as authorized by the legal assistance area coordinator in emergency cases.
- Civilian personnel who are United States citizens, other than local hire employees, employed by, serving with, or accompanying the Armed Forces of the United States, when they are assigned to a foreign country or to a vessel or unit of the Armed Forces of the United States deployed in excess of 30 days.
- Dependents living in a foreign country accompanying authorized civilians as listed previously.
- Members of allied forces and their dependents in the United States, serving with the Armed Forces of the United States.
- Other persons authorized by the Judge Advocate General.

Figures 8-9 and 8-10 show LNs assisting both military and civilian personnel.



Figure 8-9.—A Legalman assisting a civilian employee who works for the U.S. Government.



Figure 8-10.—A Legalman assisting a service member.

CONFIDENTIAL AND PRIVILEGED CHARACTER OF SERVICE

Information and files pertaining to legal assistance clients are confidential and privileged under the law and applicable professional rules and guidelines. This confidentiality is separate and distinct from military security classifications. Confidential and privileged matters are not disclosed to anyone by the attorney providing legal assistance, except on the specific permission of the client or when the responsible legal assistance attorney determines that disclosure is authorized or required by law or applicable rules of professional conduct. Disclosure of otherwise confidential and privileged information cannot be authorized or made lawful by order of superior military authority.

Other attorneys may be granted access to confidential and privileged information for supervisory and quality assurance purposes or to obtain their assistance in the case. Attorneys granted access to information in this instance are bound to maintain the confidentiality of the information. Office records for prevention of conflicts of interest and statistical data can also be derived from information provided by the client.

If requested by the member's CO or officer in charge (OIC), information on whether a member of a command reported to a legal assistance office is generally provided. Information concerning a member's presence in the office cannot be disclosed, however, if doing so would reveal the nature of conversations, advice, or assistance. The nature of the legal assistance or the substance of the conversations or advice cannot be provided without the client's consent.

LEGAL ASSISTANCE SERVICES

Advice and service regarding the following matters are normally available to eligible persons at legal assistance offices, but may be limited due to the availability of resources:

- Basic wills, trusts, and estate planning. However, complex estate planning and drafting is not routinely provided in the legal assistance program.
- Domestic relations. Advice concerning the legal and practical implications of divorce, legal separation, annulment, custody, and paternity is provided. Assistance in domestic violence cases must be consistent with the *Family Advocacy Program*, SECNAVINST 1752.3.
- Adoption and name changes. Advice and document preparation, including pleadings, are provided.
- Nonsupport and indebtedness. Advice and assistance, including communication, correspondence, and negotiations with another party or lawyer, on behalf of the client, are provided.
- Taxes. Basic advice and assistance on federal, state, and local taxes are provided. However, legal assistance attorneys cannot sign returns as paid preparers, nor do they normally prepare tax returns.
- Landlord-tenant relations. Advice and assistance, including review of personal leases and communication and correspondence on behalf of the client, are provided.
- Advice and appropriate assistance is given in civil suits cases. In-court representation is prevented, except as provided in the expanded legal assistance program. Procedures and requirements of small claims courts and other courts of limited or special jurisdiction can be explained and the appropriate referrals made.
- Soldiers' and Sailors' Civil Relief Act. Advice and assistance are provided as appropriate pertaining to the protection afforded and the effect of the act on the client.
- Criminal matters. Limited general advice can be provided regarding minor (misdemeanor) criminal matters and traffic offenses within the jurisdiction of the civilian courts. Serious criminal matters are not within the scope of legal assistance and are referred to military defense counsel or private civilian attorneys.
- Other services. Advice and assistance are given on powers of attorney, real estate, bankruptcy, contracts, consumer affairs, insurance, immigration, naturalization, and other areas if not inconsistent with legal assistance regulations. Advice and assistance regarding military matters are provided subject to certain limitations as described in the following text.

LIMITATIONS ON SCOPE OF LEGAL ASSISTANCE SERVICES

Persons requiring the advice or assistance of an attorney on a personal legal matter, as contrasted with a military justice problem, should be referred to a legal assistance office. Legal assistance is authorized for personal legal affairs only. Legal advice and assistance are not provided regarding business ventures or matters that are not of a personal nature.

Legal assistance duties are separate and apart from responsibilities of trial counsel, defense counsel, or others involved in processing courts-martial, nonjudicial punishments, administrative boards or proceedings, and investigations. Unless otherwise directed by the Judge Advocate General, legal assistance attorneys cannot assume defense counsel functions for their legal assistance clients. Members accused or suspected of offenses or conduct that may result in disciplinary or judicial proceedings under the Uniform Code of Military Justice (UCMJ) or administrative discharges are referred to a defense counsel. Any person refused assistance by a defense attorney and by a legal assistance attorney may seek review by the CO of the NLSO or the judge advocate designated by the Commandant of the Marine Corps as the legal assistance area coordinator at Marine Corps installations.

If two or more eligible persons with conflicting interests seek legal assistance from the same office on the same matter, the party first establishing an attorney-client relationship is provided representation. Other parties are advised that they are also eligible for assistance, but that it must be obtained from another source. Every effort is made to refer the party with a conflicting interest to another legal assistance office or to a private civilian attorney. If referral to another office or civilian counsel is not a reasonable option, guidance is obtained from the Judge Advocate General.

Legal assistance attorneys cannot advise on, assist in, or become involved with individual interests opposed to or in conflict with the interests of the United States without the specific approval of the Judge Advocate General. Examples include a claim for monetary damages against the United States, filing for a restraining order against the United States, or assisting in pursuing CHAMPUS claims.

Legal assistance is not provided over the phone except in unusual or compelling circumstances. This does not prohibit appropriate follow-up telephone discussions between the legal assistance attorney and the client after a person-to-person conversation has been conducted.

The attorney-client relationship requires personal communication. Except when the client is unable to communicate adequately, advice or assistance is not provided through third parties. This includes drafting a will for one spouse based on discussions with the other spouse.

REFERRALS AND FEES

The legal assistance attorney may determine that the best interest of the client can be served by referring the case to *another* attorney, often a private civilian attorney. Referral may be for a variety of reasons, including expertise of the attorney or regulations that prohibit involvement of the legal assistance attorney.

If referral to a private civilian attorney is necessary, payment of legal fees is the client's responsibility. The government does not reimburse the individual nor pay any expenses associated with the referral.

Services provided in the Department of the Navy legal assistance program are at no cost to eligible personnel. All active duty personnel and civilian employees involved in providing service or advice in the legal assistance program are prohibited from accepting or receiving, in any manner, any fee or compensation other than government compensation for legal services provided to persons eligible for assistance.

Reserve personnel on inactive duty or in any official capacity are prohibited from receiving fees or compensation for the same matters about which they consulted with or advised the legal assistance client in an official capacity. Reserve personnel who provided legal assistance while on active duty cannot refer legal assistance clients to themselves in their private practice or to their law firm.

EXPANDED LEGAL ASSISTANCE PROGRAM

Under the expanded legal assistance program, legal assistance attorneys in selected offices may provide legal services, including in-court representation, to certain categories of clients. his service is provided on a limited basis and only for matters listed under the subheading Legal Assistance Services. The local legal assistance office must be consulted for specific information.

The expanded legal assistance program, as authorized by the Judge Advocate General, provides in-court legal services for eligible personnel who cannot afford private attorney fees. The eligible personnel are as follows:

- Active duty military personnel in paygrades E-3 and below without dependents.
- Active duty military personnel in paygrades E-4 and below, with dependents. Dependents of personnel in paygrade E-4 are also eligible.
- Other active duty military personnel of higher paygrades and their dependents who are unable to afford an attorney without substantial financial hardship. Representation under the expanded legal assistance program of persons in this category must be approved by the Judge Advocate General.

Refer to chapter 7 of the *Manual of the Judge Advocate General* (JAGMAN), JAGINST 5800.7, for additional information concerning legal assistance.

AVAILABILITY REPORTS

There will be occasions when you will be required to submit availability reports on individuals. Your job as far as counseling individuals is concerned will include, for example, asking them for duty preferences, explaining to them the purpose of the availability report and explaining to them how long it will take to get a response. In this section, you will read about the types of availability reports, the service record maintenance involved, the submission and transmission of availability reports, and the classes of availabilities.

Whenever you are required to submit availability reports, you should always refer to chapter 20 of the ENLTRANSMAN, NAVPERS 15909, and/or the *Diary Message Reporting System Users' Manual* (DMRSMAN), EPMAC New Orleans, Louisiana, Document Number 108)#1 UM-01A.

All naval commands are responsible for prompt and accurate submission of availability reports on personnel who are available for assignment or reassignment. By efficiently and quickly assigning available personnel to duty where their talents, experience, and training are needed, the Navy and the individuals both benefit. Excessive transient time is costly and erodes the ability of the Navy to perform its mission. Therefore, in the interest of stability, personnel readiness, cost-effectiveness, and the morale of the individual, commands should submit accurate, complete, and timely availability reports.

TYPES OF AVAILABILITY REPORTS

There are three types of availability reports. They are immediate, regular, and accession availability reports. They are discussed as follows.

Immediate Availability Reports

Immediate availability reports are reports that are submitted on personnel whose availability date is less than 21 days in the future.

Regular Availability Reports

Regular availability reports are reports that are submitted on personnel whose availability date is 21 days or more in the future.

Accession Availability Reports

Accession availability reports are reports that are submitted on personnel who are being initially gained to active enlisted naval strength. <u>All accession</u> availability reports are considered immediate.

SERVICE RECORD MAINTENANCE

After the availability report is submitted following guidelines contained in chapter 20 of the ENLTRANSMAN or the DMRSMAN, as appropriate, a copy of the availability report must be immediately filed in the individual's service record. The copy of the availability report must remain in the individual's service record until orders satisfying the availability are received from the assignment control authority (ACA).

AVAILABILITY SUBMISSIONS

An availability report is the written communication by a command to the ACA that an individual requires assignment or reassignment. Since the ACA is not the same for all personnel, it is critical that your command prepare and transmit the availability report to the proper ACA.

You may be wondering about what an ACA actually is. Well, the ACA is the organization responsible for personnel assignments. For example, BUPERS is the ACA for Rated/Designated Enlisted Personnel (Excluding Training and Administration of the Naval Reserve [TAR] personnel); EPMAC is the ACA for NonRated/NonDesignated Enlisted Personnel; and the Naval Reserve Personnel Center (NAVRESPERSCEN) is the ACA for TAR personnel.

TRANSMISSION OF AVAILABILITY REPORTS

Availability reports can be sent either by DMRS or in narrative form as appropriate. You will read about which reports require which type of transmission later in this section. Let's first look at DMRS reports.

The requirement for submitting DMRS availability reports is designed to benefit activities that do not have Availability Reporting and Tracking Module (ARTM) or accession availability reporting capabilities. The primary beneficiaries of this system are fleet and mobile units. If you use ARTM to submit availabilities, continue to submit ARTMs. Submit accession availabilities per the provisions of chapter 20 of the ENLTRANSMAN.

Immediate and regular availability reports and associated duty preferences of the individual being made available must be reported via the DMRS to EPMAC DIARY NEW ORLEANS LA as per reporting procedures outlined in section 2 of the DMRSMAN, and using formats in the DMRSMAN, section 15. EPMAC transmits availability information submitted via the DMRS to the cognizant ACA. This eliminates the need for the ACA to manually code and enter the availability data and associated duty preferences in the master file for the individuals being made available. DMRS availability reporting capability provides for direct computer input of availability and associate duty preference information, thereby saving 1 to 2 days' processing time over the manual method.

Not all reports can be submitted via DMRS. For example, class DG (Submarine Disqualification), DZ (Special Case Avails), and F (Accession Avails) cannot be submitted via DMRS. All class DG, DZ and F avails need to be submitted in narrative form to the appropriate ACA due to additional information that cannot be provided through the availability reporting features of DMRS. Classes of availabilities including D and F are explained later in this section. You should, however, refer to chapter 20 of the ENLTRANSMAN for additional information and detailed descriptions.

Availability reports for TAR personnel need to be submitted per guidelines in chapter 20 of the ENLTRANSMAN because NAVRESPERSCEN needs to see the availability report first be fore BUPERS does. Under DMRS, avail transactions automatically go to BUPERS via EPMAC.

You should also refer to chapter 20 of the ENLTRANSMAN for additional information and

guidance concerning availability reports needed to be submitted on Active Duty for Special Work (ADSW) personnel, for members in receipt of orders, and members in temporary duty (TEMDU) status under orders with an ultimate (follow-on) duty assignment.

CLASSES OF AVAILABILITIES

The following are classes of availabilities according to chapter 20 of the ENLTRANSMAN:

- Class D Nominations. Class D availabilities are for personnel who are made available for reassignment as a result of disqualification from serving in a type of duty, activity draw down, inactivation, or decommissioning. These availabilities must be submitted 4 to 5 months before the individual's loss month if a command is scheduled for decommissioning or deactivation according to chapter 14 of the ENLTRANSMAN, or as directed by BUPERS or EPMAC.
- Class F Accessions. Class F availabilities are for personnel who are accessions and are not covered under the Computer Assisted Assignment System (COMPASS) program. These availabilities are considered immediate and you should submit them as soon as the individuals arrive at the naval receiving station or recruiting training center. This is, of course, provided you are assigned to one of these locations, and you are assigned this responsibility.
- Class H Humanitarian Tour Releases. Class H availabilities are for personnel who are competing humanitarian assignment (HUMS). They must be submitted 6 weeks before HUMS completion. For individuals with less than 24 months' OBLISERV, you must include in the Availability Remarks section the member's OBLISERV intentions.
- Class J A School Graduates. Class J availabilities are for personnel who are available for assignment as a result of graduation from a class A school. Personnel attending an A school en route to a duty station already designated in their orders or on board in a temporary additional duty under instruction (TEMADDINS) status do not need to be made available for assignment since the next duty station is known. Where the length of the school is 8 weeks or less, availabilities should be submitted during the first week of training. Where the length of school is more than 8 weeks, availabilities should be submitted 8 weeks before graduation. Where the school is under the Self-Pace program, submit the availability as

previously mentioned, with the availability date based on the average completion time for the course.

- Class K C School Graduates. Class K availabilities are for personnel who are available for assignment as a result of graduation from a class C school. Personnel attending a C school en route to a duty station already designated in their orders, or on board in a TEMADDINS status, do not need to be made available for assignment since the next duty station is known. Where the length of the school is 8 weeks or less, you should submit availabilities during the first week of training. Where the length of the school is more than 8 weeks, you should submit availabilities 8 weeks before graduation. Where the school is under the Self-Pace program, submit the availability as previously mentioned, with the availability date based on average completion time for the course.
- Class L Other School Graduates. Class L availabilities are for personnel who are available for assignment as a result of graduation from a school other than a class A or C school. Personnel attending these schools en route to a duty station already designated in their orders or on board in a TEMADDINS status do not need to be made available for assignment since the next duty station is known. Where the length of the school is 8 weeks or less, you should submit availabilities during the first week of training. Where the length of the school is more than 8 weeks, you should submit availabilitiess 8 weeks before graduation. Where the school is under the Self-Pace program, submit the availability as previously mentioned, with the availability date based on average completion time for the course.
- ◆ Class N Nongraduates. Class N availabilities are for personnel who are available for assignment as a result of nongraduation from any school. These reports are considered immediate and should be submitted the same date the member is dropped from a course of instruction, except for circumstances where reclassification is deemed appropriate. Also, these reports on personnel in this class who are considered appropriate candidates for reclassification should be submitted on the same day the reclassification is completed and not later than 3 working days from the drop date of the course of instruction.
- Class R Recruit Graduates. Class R availabilities are for personnel who are available for assignment as a result of completion of recruit training. Availability reports for recruit graduates are submitted through the use of COMPASS. If you are involved with

preparing these availability reports, and you are unable to process the availability through COMPASS, you must submit a class F availability and include adequate remarks.

- Class X Brig/Disciplinary Releases. Class X availabilities are for personnel who are completing confinement, or other disciplinary action, of 31 days or more, and who are available for assignment. For individuals confined while en route to a new duty station, specify the activity name in the Remarks section. If the individual is being discharged, do not submit an availability report. Also, if the individual is being returned to his or her last duty station and has been confined for 30 days or less, an availability report is not required.
- Class Y Medical Releases. Class Y availabilities are for personnel who are available for assignment as the result of being hospitalized, placed on limited duty (LIMDU), completing hospitalization, or who have appeared before a medical board. These classes of reports should be submitted as soon as the member's final status has been determined. The member's date of availability is the date of the medical board. For personnel recommended for second, subsequent, or extended periods of limited duty, await BUPERS directions before submitting availability reports. For personnel who are hospitalized while undergoing a course of instruction at a naval training activity, you must return them to the naval training activity from which they were received. This is

provided that hospitalization has not been for a period in excess of 4 months. All student personnel requiring LIMDU assignments must be made available.

Refer to chapter 20 of the ENLTRANSMAN and section 15 of the DMRSMAN, for additional information concerning availability reports and their submission.

SUMMARY

This chapter discussed counseling and provided you with some counseling techniques that will help you whenever you counsel personnel. The chapter also discussed basic pay and indicated that while basic pay is subject to income tax, allowances such as BAQ, VHA, OHA and BAS are not.

Eligibility requirements and/or information concerning such allowances as BAQ, VHA, COLA, OHA, TLE, TLA, DLA, FSA, BAS, and civilian clothing monetary allowances were also discussed. Additionally, the chapter discussed eligibility requirements for enlistment, reenlistment bonuses, and identified other bonuses that are primarily for officers.

This chapter also discussed the dependent's dental plan, legal assistance, and availability reports. If you are uncertain about the information you have just studied, review the sections that are giving you trouble. Consult the recommended publications for detailed information on the topics presented in this chapter.